

The Appeals Board has considered the record and adopted the stipulations contained in the award.

ISSUES

What is the nature and extent of claimant's injury and/or disability?

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the entire evidentiary file contained herein, the Appeals Board finds the award of the Administrative Law Judge should be affirmed.

The award sets out findings of fact and conclusions of law in some detail, and it is not necessary to repeat those herein. The Appeals Board adopts those findings and conclusions as its own as if fully set forth herein.

The Appeals Board finds claimant suffered a 10 percent impairment to the body as a whole both as a result of the injuries to her neck and for the headaches suffered therefrom. The Appeals Board does not find it credible that claimant's low back condition and bilateral leg pain, which did not surface until several months after the accident, are related to this injury.

The Appeals Board adopts the opinion of C. Reiff Brown, M.D., that claimant suffered a 5 percent impairment to the neck with no involvement of her back or legs, and that of Ahmad Anouti, M.D., that claimant had a 5 percent impairment for the headaches resulting from the neck injury, as the most credible in the record. The Board further finds both Dr. Brown and Reynaldo G. Fermo, Jr., M.D., persuasive in their opinions that claimant's leg and back pain did not result from her work-related injuries. The Board notes additionally that Paul S. Stein, M.D., was unable to find anything on examination to account for claimant's back and leg pain.

The Appeals Board finds that claimant has proven that she suffered a 10 percent impairment to the body as a whole as a result of the injuries of March 13, 1995. Claimant has, however, failed to prove her entitlement to a work disability as the only disability preventing claimant from returning to a comparable wage was the leg pain which, as stated above, is not related to the work-related injuries suffered by claimant on March 13, 1995.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Decision of Administrative Law Judge Pamela J. Fuller dated December 6, 2000, should be, and is hereby, affirmed, and an award is granted in favor of the claimant, Betty Chavez, and against the respondent, Seward County Sheriff's Department, and its insurance

carrier, EMG Insurance Company, for an injury suffered on March 13, 1995, for a 10 percent impairment to the body as a whole.

Claimant is granted 57.57 weeks temporary total disability compensation at the rate of \$298.16 per week totaling \$17,165.07, followed by 37.24 weeks permanent partial disability compensation at the rate of \$298.16 per week totaling \$11,103.48 for a 10 percent permanent partial general disability, making a total award of \$28,268.55.

As of the date of this award, the entire amount would be due and owing to claimant in one lump sum, minus any amounts previously paid.

Claimant's contract of employment with her attorney is approved, subject to the provisions of K.S.A. 44-536 (Furse).

Fees and expenses necessary to defray the costs of the administration of the Kansas Workers Compensation Act are assessed against the respondent and its insurance carrier to be paid as follows:

Underwood & Shane	
Transcript of Proceedings	\$142.00
Transcript of Proceedings	\$116.50
Barber & Associates	
Deposition of Jerry D. Hardin	\$249.00
Deposition of Pedro A. Murati, M.D.	\$380.00
Deposition of Pedro A. Murati, M.D.	\$140.60
Kelley, York & Associates, LTD.	
Deposition of C. Reiff Brown, M.D.	\$324.40
Deposition of Paul S. Stein, M.D.	\$168.35
K. Pfannenstiel Reporting & Assoc.	
Deposition of Betty Chavez	\$490.34
Hamilton-Legato Deposition Centers	
Deposition of Ahmad Anouti, M.D.	Unknown
Susan Maier, Certified Shorthand Reporter	
Deposition of Steven D. Graham, O.D.	\$244.17
Tri-State Reporting Service	
Deposition of Reynaldo G. Fermo, Jr., M.D.	\$435.10

IT IS SO ORDERED.

Dated this ____ day of June 2001.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Shirla R. McQueen, Liberal, KS
James M. McVay, Great Bend, KS
Pamela J. Fuller, Administrative Law Judge
Philip S. Harness, Director